

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
August 2, 2011
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Commissioner Lindell – Present
Commissioner Sheldon – Present
Commissioner Anderson – Present
Commissioner Swain – Present
Commissioner Woodward – Present
Commissioner Russo - Present
Chairman Backer – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

None

NEW BUSINESS:

Review of Petition #11-11 Tax Parcel 1900-400-029

Mr. John Behrens introduced himself as a partner of Winterbury Real Estate and the owner of the property at 1301 Kirkwood Hwy. He stated he'd like to lease the property to a cell phone retail company by the name of Genesis Services. He said they have a restriction against leasing the property to a retail business from a previous variance received in 1993. Mr. Behrens said he worked out an agreement with the chiropractor's office enabling the access to 4 of their parking spaces, although he does not believe they will need to use them. He stated the owner of Genesis Services has assured him there would be no delivery trucks delivering anything to this location. He said they have not had much luck with the previous tenants in past years at this location, pointing out that they had left on less than favorable circumstances.

Chairman Lindell asked what hardship would be suffered if they did not approve the petition.

Mr. Behrens stated it's just been hard to find office tenants and the property has been vacant since December of 2010.

Commissioner Russo asked how many parking spaces would be used by the employees of the business there.

Mr. Behrens said the proposed tenant stated he would have 1 to 2 employees there at any one time and they would park next door, at 1303 Kirkwood Hwy, if needed.

Commissioner Russo asked if the neighbor, Mr. Pankowski, was okay with this arrangement.

Mr. Behrens stated that Mr. Pankowski was in fact okay with it.

Commissioner Russo asked if the previous tenant there was a hair salon business.

Mr. Behrens replied that the last 3 tenants were all hair salons, and none of them made it. He went on to say that part of his hardship has been that he's been shorted out of approximately \$50,000 in the past 6 years.

Commissioner Russo stated that, unlike the hair salons, all the customers would be walk-ins. He asked what sort of traffic flow are they to expect.

Mr. Behrens replied that the tenants explained to him that a maximum of 9 spaces would be needed, even on a busy Friday night.

Commissioner Russo asked if the original amount of spaces needed was 19 and if it was dropped to 6.

Mr. Behrens stated that was correct.

Commissioner Sheldon asked if there was to be signage indicating there was parking in the rear of the store.

Mr. Behrens stated there is already currently a sign out front of the property stating there is parking in the rear. He went on to say that the neighbor at 1303 Kirkwood Hwy agreed to put signs in front of his property directing the parking back behind the business as well. He also said that customers of the hair salons tended to be in the business for a couple of hours at a time, and that the customers would be in and out in a half an hour, at the most, in Genesis.

Commissioner Backer asked if Genesis is an independent company.

Mr. Behrens stated he was told Genesis has franchise rights with several different companies.

Commissioner Backer asked about the dumpster taking up a parking spot.

Mr. Behrens said he was informed that the tenant would not need a dumpster due to the small packaging associated with cell phones and cell phone accessories. He went on to explain that a couple of years ago, they enclosed an area underneath the fire escape that fits about 5 or 6 trashcans.

Commissioner Backer asked about the hours of operation.

Mr. Behrens stated that they would be typical retail hours around 8 or 9AM to 8 or 9PM. Commissioner Anderson pointed out that the lease agreement for the parking spaces at 1303 Kirkwood Hwy is month to month and then asked the reasoning.

Mr. Behrens said if the neighbor's business picked up and he needed them for the business the neighbor could then end the lease to utilize the spaces.

Commissioner Swain asked if the business at 1303 Kirkwood Hwy would meet it's parking requirements if they were to lease them to Mr. Behrens.

Code Officer Brian Swift stated that was not calculated and did not know.

Wayne Vassalotti introduced himself and his wife, Pam Vassalotti, as the residents at 3 Poplar Ave. and stated they have resided there since 1974. He went on to say that their concerns are that the business is located at a very busy corner. He pointed out that there's an apartment on the second floor of the building that could, at some point, house a family with 2 vehicles. Mr. Vassalotti said he is concerned about how large the scope is of the term "Retail" in the code. He went on to say that with the condition of the economy in the country, the plea for an economic hardship may create more leniency from the Commission.

Commissioner Russo asked if Mr. Vassalotti is opposed to the proposal they have in front of them tonight or if he's opposed to the long-range retail that could include just about anything.

Mr. Vassalotti stated he's not opposed to the cell phone store being there, but he's concerned about the staff and where they'll park. He went on to say that the employees of the past businesses at this location all parked on Poplar Ave.

that he agrees with the recommendation regarding the sidewalk inspection & repair program, and stated that the Code Office will be directed to operate such a program by October of 2011. On the right-of-way maintenance recommendation, Mr. Giles said he agrees and that the Public Works Dept. will be conducting a program addressing it by October of 2011. He stated we have 4 or 5 transportation projects going on currently in response to the ADA compliance and striping of the crosswalks. He states the code already has things in place for the discouragement of construction in the flood plain, it's just a matter of enforcing it. He went on to say there is currently a project underway by the state to take some areas out and put some areas in the floodplain. He stated we are requesting some of the area in the northern part of the town to be taken out of the flood plain. He addressed the recommendation to assist residents in taking them out of the flood plain by saying we will help to a certain extent, but said it would take an enormous amount of man-hours to undertake everyone's request. He stated we will review the zoning code while adapting the 2009 code. He said he agrees with the recommendation to review the GI Zoning Code and stated we are currently doing so. He said he agrees with the zoning and subdivision code in reference to environmental protection, but said the environmental codes are set and governed by the UPA and the town must go by them. In regards to flag lots, Mr. Giles said we do not want flag lots unless they are in a Commercial or Industrial Zone. He stated he feels the recommendation to review tear downs is valid because the legislation the town has is not specific enough in regards to the issue. He stated that any existing structure that doesn't meet the new 2009 code requirements will have to meet requirements in our existing code as it is now. Mr. Giles said he agrees with the recommendation to initiate the development of a annexation strategy. He stated we do currently monitor state, county, and municipal planning activities every day.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Swain to adjourn. Commissioner Backer seconded the motion.

VOTE: All in favor 7-0 Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the August 2, 2011 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY